

Professionalism—A View from the Law School Deans: Some  
Thoughts on the Evolution of Legal Education and the  
Challenges Ahead

Thomas C. Galligan, Jr.

LSU Paul M. Hebert Law Center

John Pierre

Southern University Law Center

Baton Rouge Bench Bar Conference

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## I. The Old Model—Big class Socratic

A. Law schools as cash cows for universities.

B. High attrition rates.

C. Some academic criticism of the brutality and (in) effectiveness of the method. See generally, Jason M. Dolin, Opportunity Lost: How Law School Disappoint Law Students, The Public, and the Legal Profession, 44 Cal. W. L. Rev. 1 (2007);

<http://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1085&context=cwlr>.

D. Upper-class experience was more of the same with some smaller classes.

E. Little or no practical experience outside moot court.

F. Most graduates either found a job or went into private practice.

## II. Changes

A. The Socratic Method has become more sensitive. See, e.g., The Socratic Method: Why It's Important to the Study of Law, <https://onlinelaw.wustl.edu/blog/the-socratic-method-why-its-important-to-the-study-of-law/>

B. Mid-term movement; Requiring Midterm Assessments in First Year Courses, <https://bestpracticeslegaled.albanylawblogs.org/2008/03/06/requiring-midterm-assessments-in-first-year-courses/>. (M. Lynch, ed.).

C. Multiple Assessments of Student Learning

(**ABA Standard 314**), and use of learning outcomes and assessment methods to make appropriate changes to improve the curriculum (**ABA Standards 315**)

D. Attrition down.

E. The McCrate Report (1990) and the Carnegie Study of Legal Education (2007) both called for more emphasis on skills training. Both said that law students were not

receiving adequate training in the skills they would need –writing, negotiating, taking depositions, trying cases, mediating, and more. See also, ABA Standards and Rules for Approval of Law Schools 2015-2016, **Standard 303(a) (3)** [hereinafter “ABA Standards”](requiring at least six credits of experiential courses).

- F. And law schools responded—in fact many had already begun implementing meaningful responses before those high profile reports

### III. Legal Writing

- A. Classic view—know how to write when students get to law school; increasingly unrealistic assumption
- B. Pre-admission programs to address writing and analytical deficiencies.
- C. Reform—First year writing courses. **See ABA Standard 303(a)(2).**
- D. Integrating more writing in first year doctrinal courses.

Upper level writing courses (often in seminars)—usually scholarly writing. See *id.*

- E. In addition, law schools now have additional skills based writing courses involving drafting pleadings, contracts, and more.

### IV. Additional skills based training—Simulation courses

**See ABA Standard 304(a)**

- A. Trial advocacy
- B. Appellate advocacy
- C. Negotiation
- D. Mediation
- E. Pseudo-deal courses, i.e., business planning or mergers and acquisitions
- F. LSU Law Center Apprenticeship Week.

G. SULC Motions Practice Course

H. SULC Pro Bono Project

V. Live client clinics

A. SULC has had live client clinics since 1974. They include: (i) criminal clinic; (ii) Divorce and Domestic Violence Clinic; (iii) Juvenile Clinic; (iv) Elder Law Clinic; (v) Low-Income Taxpayers Clinic; (vi) Mediation Clinic; (vii) Administrative Law Clinic; (viii) Civil Clinic (ix) Hope Six/Real Estate & Housing Blight Clinic.

B. The LSU Law Center clinical offerings include: (i) Advocacy for Victims of Sexual Assault Clinic; (ii) Civil Mediation Clinic; (iii) Family Law Clinic; (iv) Family Mediation Clinic; (v) Immigration Law Clinic; (vi) Juvenile Defense Clinic; (vii) Parole Assistance and Reentry Clinic; (viii) Prosecution Clinic.

**See ABA Standards 303(b), 304(b).**

Litigation

Impact

Consumer protection

Domestic violence

Criminal law

Business work

Small business advice

Housing clinics

VI. Externships

**See, ABA Standards 303(b)(1) and 305.**

## VII. Implications

Who teaches these courses?

Ongoing status issues--Typically clinicians are not on the same tenure track as podium faculty but must have some form of security of position and other perquisites of employment.

### **ABA Standard 405(c) and Interpretations 405-6 and 405-8.**

Legal writing faculty need sufficient protection to allow the institution to attract and retain a competent writing faculty. **ABA Standard 405(d).**

Smaller classes are more expensive: The cash cow is out of milk! As competition among firms became more intense, firms could not afford to train new lawyers as they might have in the past. And, of course, more skills courses mean fewer opportunities (for good or ill) for upper level substantive courses.

## VIII. Diversity

(A) The bench and bar are more diverse in terms of race, gender, and background than ever before. So are law school student populations, faculties, and staffs but much more good work remains to be done. The ABA requires law schools to have a commitment to diversity and to demonstrate that commitment by significant and concrete efforts. **ABA Standards 206 (a) and (b).**

(B) SULC has one of the most diverse law schools in U.S.

## IX. U.S. News “Rankings”

Some law schools, universities, alums, hiring partners, prospective students, and parents bought in and made a Faustian bargain. Did we sell our souls for rankings? Counting books, employing grads, perhaps overemphasizing LSAT in the admissions process, scholarships to attract high LSAT scorers, and scholarships decline for students in need. Today, the least likely

to succeed based on entering qualifications need to borrow the most to finance their legal education. And, in some cases the least needy get the most.

The reaction to the reaction to U.S. News' rankings has been heightened ABA disclosure regulations—employment, profile of entering class, conditional scholarship retention data and more. **See, ABA Standard 509.**

#### X. Fewer Jobs and Declining Applications

Fewer jobs. The Wall Street Journal, Law School Graduate Employment Data Shows Decline in Legal Jobs, 5/2/16. <http://blogs.wsj.com/law/2016/05/02/law-school-graduate-employment-data-shows-decline-in-legal-jobs/>

JD Advantage Employment Opportunities

LSAT takers dropped to a historic low before improving a bit.

Applications for many law schools declined.

Implications?

Qualifications for entering classes or smaller classes or both

Attrition Increases

Academic support

Lower Graduation Rates

Bar passage

#### XI. Funding Challenges for Public Law Schools

(A) Grad Act

(B) Self-Generated Revenues and Alumni Giving

(C) Affordability Issues and Access Issues